

REMARKS/ARGUMENTS

Favorable reconsideration of the Application as presently amended and in light of the following discussion is respectfully requested.

This Amendment is in response to the Office Action mailed on November 21, 2003.

Claims 10-18 are pending in the application and Claims 10-12, 14, 16, and 17 stand rejected.

Claims 13, 15, and 18 have been objected to as being dependent upon rejected base claims, but would be allowed if rewritten in independent form. The indication of allowable subject matter is noted with appreciation. Applicants have herein amended Claims 10-18 and several paragraphs of the Specification and submitted new Claims 19-23. The amendments to Applicants' Specification have been submitted to bring Applicants' Disclosure to compliance with U.S. practice, eliminating reference to the claims in the body thereof and correcting typographical errors therein. No new matter has been added to this Application by virtue of the present amendments.

In view of the allowable subject matter of Claims 13, 15, and 18, Claims 13 and 18 have been rewritten in independent form, including all of the limitations of the base claims from which they depended from. Claims 14 and 15 depend from Claim 13. Therefore, Applicants respectfully submit that Claims 13-15 and 18 are in condition for allowance and an early Notice of Allowability is requested.

Applicants thank the Examiner for the courtesy of a personal interview extended to Applicants' representatives on January 5, 2004. During the interview, several advantageous characteristics of the encapsulated spark gap arrangement of the present invention were discussed, including its ability to contain hot ionized gases produced by an electric arc during the process of diverting a flash current created in power supply networks by lightning or other sources by use of a constant-volume intermediate chamber, thereby preventing damage to the network as well as users and other devices located around the spark arrangement with a

simplified design. In view of this discussion, an agreement was reached that recitation of a constant-volume intermediate chamber in Claim 10 will distinguish it over Abe et al. (U.S. Patent No. 4,041,922, hereinafter "Abe"). Presently amended Claim 10 now recites an "intermediate constant-volume chamber."

Claims 10, 12, 14, and 16-17 are rejected under 35 U.S.C. §102(b) as being anticipated by Abe. In addition, Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe. In view of the present amendment to Claim 10 and the agreement reached during the interview, Applicants respectfully submit that the outstanding anticipation and obviousness rejections based on Abe are now moot.

Applicants have submitted herein new Claims 19-23. Claim 19 is a new independent claim, from which Claims 20 and 21 depend. Claims 22 and 23 depend on Claim 10. Support to the subject matter recited in Claims 19-23 is found in the original claims and figures and on pages 9 and 10 of Applicants' Specification. At least in view of their dependency on Claim 10, Applicants respectfully submit that the new Claims 22 and 23 distinguish over Abe.

Newly submitted independent Claim 19 recites, among other limitations, an encapsulated spark gap comprising: an arcing chamber, having a spark gap and at least two electrodes, and an intermediate chamber having a continuously opened outlet opening. During the personal interview Applicants proposed that an additional limitation of an outlet opening would distinguish the invention originally recited in Claim 10. The Examiner's response to this proposal was that when the valve 18 of Abe is opened it creates an opening for the combustion chamber 14 of Abe. In view of this discussion during the personal interview and given the periodic opening and closing of valves in engines, Applicants respectfully submit that Abe does not anticipate nor make obvious the newly submitted independent Claim 19, which recites the limitation of a continuously opened outlet opening.

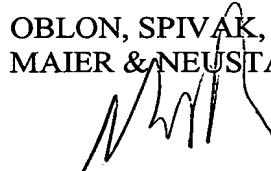
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Based at least on their dependency on Claim 19, Claims 20 and 21 also patently distinguish over Abe and should be allowed.

Based at least on the foregoing reasons, Applicants believe the present application is in condition for allowance and respectfully solicit an early Notice of Allowability of Claims 10-23.

Respectfully submitted,

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